

III-A.3 FLOOD PLAIN DISTRICT

(a) **PURPOSE:** The purpose of the Flood-Plain District is to preserve and maintain the ground water table; to protect the public health and safety, persons and property against the hazards of flood-water inundation; and for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamp, marshes, along water courses, or in areas subject to floods.

(b) **LOCATION OF FLOOD PLAIN DISTRICT:** The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes:

1. All areas shown as being within the 100-year flood plain on the TOWN OF NATICK DRAINAGE STUDY, 100-YEAR FLOOD PLAIN MAP, 1" equals 100', September 1979 by Coffin & Richardson, Inc., Engineers, Boston, Massachusetts. As further described in the Drainage Report, Natick Massachusetts, September 1979 prepared by Coffin & Richardson.

2. All special flood hazard areas within the Town of Natick designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Natick are panel numbers 25017C0509F, 25017C0517F, 25017C0519F, 25017C0528F, 25017C0529F, 25017C0536F, 25017C0538F dated July 7, 2014; and 25017C0537E, 25017C0539E, 25017C0543E, and 25017C652E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Department of Public Works. (Art. 43, Spring ATM, 4/27/10)

In the event of any discrepancy between the above delineations of the 100-year flood plain, the Building Inspector, after consultation with the Natick Conservation Commission, shall determine which map will apply. The Natick Drainage Study can only be used in

areas where the Base Flood Elevations are equal to or more restrictive than the FIRM and FIS.
(Art. 43, Spring ATM, 4/27/10)

(c) PERMITTED USES:

1. Within a Flood Plain District, no structure or building shall be erected or extended and no premises shall be used except for one or more of the following uses: any woodland, grassland, wetland, agricultural, horticultural or recreational uses of land or water not requiring filling. Buildings and sheds accessory to any of the Flood Plain Uses are permitted. Any such building or structure shall be designed, placed and constructed to offer a minimum obstruction to the flow of water, and it shall be firmly anchored to prevent floating away.

2. The following are permissible exceptions to paragraph 1: In and Flood Plain District after the adoption of this provision, no land, building, or structure shall be used for sustained human occupancy, except dwellings theretofore lawfully existing. Building permits shall be issued on request whereby buildings and structures theretofore lawfully existing may be repaired, restored, altered, enlarged, or rebuilt, and structures accessory to the existing use may be constructed in compliance with all other zoning laws and applicable state and municipal laws and regulations, provided that any such altered or rebuilt foundation shall not extend beyond the pre-existing building foundation boundary. (Any such pre-existing use shall not be rescinded by any other part of the Flood Plain Zoning By-Law. For example, this shall pertain to pre-existing buildings and structures which are subsequently damaged or destroyed by fire or disaster).

3. The following is a permissible exception to Paragraphs 1 and 2: In any Flood Plain District after the adoption of this provision, the Special Permit Granting Authority may issue a permit for any use permitted outside a Flood Plain District based on the following conditions:

a. That any such use of such land will not interfere with the general purposes for which Flood Plain Districts have been established.

b. That any such use of such land will not be detrimental to the public health, safety or welfare.

c. The Special Permit Granting Authority will refer the question to the Planning Board (unless it is functioning as the SPGA with respect to such request), the Board of Selectmen, the Board of Health, the Conservation Commission and the Department of Public Works for recommendations. It will consider those recommendations returned within 22 days by the above Boards.”

d. In the floodway, designated on the Middlesex County FIRMS as stated in Section III-A.3(b)2. the following special conditions must be met:

1. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
2. Any encroachment meeting standard of III. 3. d. 1. shall comply with the floodplain requirements of the State Building Code and Massachusetts Wetland Protection Act, G.L. Chapter 131, Sec. 40.
3. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(Art. 43, Spring ATM, 4/27/10)

e. All public utilities and facilities, such as sewer, gas electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and

f. Adequate drainage systems, by use of natural or non-structural drainage whenever possible, shall be provided to reduce exposure to flood hazards.

4. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones. (Art. 43, Spring ATM, 4/27/10)

5. Except as provided above, there shall be in the Flood Plain District:

- a. No land fill or dumping in any part of the District;
- b. No drainage other than Flood-Control works by an authorized public agency;
- c. No damming or relocation of any water course except as part of an over-all drainage basin plan;
- d. No buildings or structure;
- e. No permanent storage of materials or equipment.

(d) **NOTIFICATION OF WATERCOURSE ALTERATION:** In a river or stream situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- 1. Adjacent Communities
- 2. NFIP State Coordinator (currently located at) Massachusetts
Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- 3. NFIP Program Specialist (currently located at)
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(Art. 43, Spring ATM, 04/27/10)

(e) **REFERENCE TO EXISTING REGULATIONS:** The floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- 1. Section of the Massachusetts State Building Code which Addresses floodplain and coastal high hazard areas (currently 780 CMR)
- 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CRM 10.00);
- 3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and

4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of the state regulations.”; or otherwise act thereon.

(Art 14, Spring ATM, 4/18/14)